



**Department of Energy**  
**National Nuclear Security Administration**  
Washington, DC 20585


Mr. Ronald D. Hauber  
Office of International Programs  
Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Mr. Hauber:

This subsequent arrangement concerns the retransfer of eight unirradiated mixed-oxide (MOX) fuel assemblies containing 3,439,377 g of U.S.-origin uranium (9,879 g U-235); and 255,086 g plutonium from the Kansai Electric Power Co., Inc. to the Euratom Supply Agency. The material which is currently located at the Takahama Nuclear Power Station Unit 4, Japan, is being returned to British Nuclear Fuels PLC, United Kingdom, because it cannot be utilized as originally intended. Upon its return to British Nuclear Fuels, the material will be stored in an approved facility pending recovery of the plutonium contained in the unirradiated fuel assemblies. The recovered plutonium will be returned to Japan in the form of fresh MOX fuel assemblies.

I would appreciate your concurrence as soon as possible. If you have any questions, please contact Sean Oehlbert of my staff at (202) 586-3806, or fax me at (202) 586-6789. Thank you.

Sincerely,

  
Trisha Dedik  
Director  
Office of Nonproliferation Policy



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DEPARTMENT OF ENERGY  
Office of Arms Control and Nonproliferation

PROPOSED SUBSEQUENT ARRANGEMENT

AGENCY: DEPARTMENT OF ENERGY

ACTION: SUBSEQUENT ARRANGEMENT

**SUMMARY:** This notice has been issued under the authority of Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160). The Department is providing notice of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the United States and Japan Concerning Peaceful Uses of Nuclear Energy and the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy between the United States and the European Atomic Energy Community (EURATOM).

This subsequent arrangement concerns the retransfer of eight unirradiated mixed-oxide (MOX) fuel assemblies, containing 3,439,377 g of U.S.-origin uranium (9,879 g U-235) and 255,086 g plutonium, from the Kansai Electric Power Co., Inc. to the Euratom Supply Agency. The material, which is currently located at the Takahama Nuclear Power Station Unit 4, Japan, is being returned to British Nuclear Fuels PLC, United Kingdom, because it cannot be utilized as originally intended. Upon its return to British Nuclear Fuels, the material will be stored in an approved facility pending recovery of the plutonium contained in the unirradiated fuel assemblies. The recovered plutonium will be returned to Japan in the form of fresh MOX fuel assemblies.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, we have determined that this subsequent arrangement is not inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice, and after fifteen days of continuous session of the Congress, beginning the day after the date on which the reports required under Section 131 of the Atomic Energy Act, as amended, are submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The two time periods referred to above may run concurrently.

**DATED:**  
**For the Department of Energy**

**Trisha Dedik**  
**Director**  
**Office of Nonproliferation Policy**



20. 7. 01

Annex I-b

AGREEMENT FOR CO-OPERATION IN THE PEACEFUL USES OF NUCLEAR  
ENERGY BETWEEN EURATOM AND THE UNITED STATES OF AMERICA

To:	US Department of Energy NN-43, Room GA045 Washington, DC 20585-0440 Attention: Mr Rich Goorevich	Fax n°: DOE: (1) 202 5861348
From:	J. Santos Bento, Head of Unit Euratom, Luxembourg, ESO-3	Fax n°:
E-mail:	Jean.Binck@cec.eu.int (J. BINCK)	+352 4301 33545

ACKNOWLEDGEMENT OF RECEIPT OF PRIOR NOTIFICATION  
Ref. : EUR-J-02/2001

In response to the prior notification of the Japanese Mission to the EU in Brussels concerning the indirect transfer from Takahama Nuclear Power Station Unit 4, Japan of eight assemblies with 3 439 377 g U-tot (9 879 g U-235) and 255 086 g Pu scheduled for the period of April - December 2002, the Commission confirms that British Nuclear Fuels plc, UK, is a legal person duly authorised to receive nuclear material transferred pursuant to the Agreement. Form US DOE MB#10 attached gives full details of the transfer.

The nuclear material is being returned to the United Kingdom, because it cannot be used in the Nuclear Power Station due to problems with the quality control data.

The Commission confirms that the nuclear material related to this indirect transfer will become subject to the Agreement upon receipt and further confirms that the exact quantity of nuclear material to be included in the inventory of nuclear material subject to the Agreement will be that established through exchange of the information contained in Annex III A of the Administrative Arrangement relating to the above referred transfer.

J. SANTOS BENTO

Encl.: 1 MB-10 form

Copy: - Supply Agency, Brussels (ref.: AGF/5609/1) Mme Flingou et M. Ennals

MB#10

Number

APPROVAL FOR RETRANSFER OF SPECIAL NUCLEAR MATERIAL  
OF UNITED STATES ORIGIN

The approval of the United States Department of Energy is hereby requested to the transfer

from The Government of Japan (for Kansai Electric Power Co., Inc.)  
(Transferor)

to Euratom Supply Agency (for British Nuclear Fuels plc)  
(Transferee)

of the United States supplied special nuclear material in the quantity and meeting the specifications described below (hereinafter called "specified material") which the transferor obtained pursuant to its Agreement for Cooperation for Civil Uses with the United States Government. Material was originally obtained by transferor from the U.S. Department of Energy, under Contract or Order Number AT(49-14)UES/JA2 and AT(49-14)UES/JA6 and Export License Number \_\_\_\_\_.

SPECIFIED MATERIAL  
(Fill in where applicable)

Fuel Type	Number	Total U or Pu (in Grams)	U-233, U235 (in Grams)	Isotopic Percent U233, U235 or Pu (%)
Mixture of Uranium and Plutonium Oxides, PWR Type	8 Assemblies	U 3,439,377 Pu 255,086	9,879	About 6.96

The specified material, in the form of unirradiated MOX fuel assemblies, now located at Takahama Nuclear Power Station Unit No.4, Japan is being returned to the United Kingdom as it can not be utilised in the Nuclear Power Station as originally intended due to problems with the quality control data. It will upon approval hereby by the United States Department of Energy be transferred in the course of April through December 2002 for use at British Nuclear

Storage in an approved facility in the UK pending recovery of the plutonium contained in the unirradiated fuel assemblies. Return of the recovered plutonium to Japan in the form of fresh MOX fuel assemblies.

The transferor, with the concurrence of the transferee, will notify within 30 days after the aforesaid date the U.S. Department of Energy of the actual date and quantity of material transferred. It is agreed by the transferor and transferee that as of that date the specified material will cease to be subject to the Agreement for Cooperation and contract indicated above and will be subject to the transferee's Agreement for Cooperation for Civil Uses with the United States Government.

## The Euratom Supply Agency

Naoto Nikai  
(Transferor)  
Mission of Japan to the European Union  
Naoto Nikai  
Minister

(Transferee) \_\_\_\_\_ (Date) \_\_\_\_\_

Above requested transfer under Article \_\_\_\_ of Transferee's Agreement for Cooperation for Civil Uses with the United States Government approved, provided physical transfer is consummated by

(For the United States Department of Energy)

(Date)